

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11-cv-00128-MR-DLH

DANIE A. JOHNSON,)
Plaintiff,)
vs.)
TRIAD DESIGN GROUP, P.C.;)
SAMET CORPORATION;)
L. ALLAN HILL, Individually; and)
JOHN PARROTT WARREN,)
Defendants.)

O R D E R

THIS MATTER is before the Court on the Plaintiff's Motion to Strike [Doc. 52].

On January 31, 2013, the Defendants filed a Motion for Summary Judgment [Doc. 47] and a brief in support [Doc. 48]. On February 4, 2013, the Court ordered the Defendants' motion and supporting brief stricken for failure to comply with the 14-point font requirement of the Pretrial Order and Case Management Plan. [Doc. 49]. The Court ordered the Defendants to file an amended motion and brief within seven (7) days.

On February 8, 2013, the Defendants filed an amended motion and brief which complied with the font requirements. [Docs. 51, 52]. The Plaintiff now moves to strike these amended pleadings on the grounds that the Defendants reworded and expanded existing arguments and citations, added new information to existing arguments, and added a new exhibit. Alternatively, the Plaintiff moves the Court to strike the new material in the brief which had not been included in the Defendants' prior brief. [Doc. 52].

Upon careful review of the Defendants' amended brief, the Court does not find that the alterations made to the wording of the brief are so material as to warrant the striking of the entire pleading. The Court will, however, strike the new exhibit submitted in support of the Defendants' amended motion and any references to said exhibit in the supporting brief.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion to Strike [Doc. 52] is **GRANTED IN PART** and **DENIED IN PART**. The Plaintiff's Motion is **GRANTED** to the extent that Exhibit No. 14 to the Defendants' amended motion [Doc. 51-14] is hereby **STRICKEN**, and any references in the Defendants' amended brief to this Exhibit No. 14 shall be disregarded. In all other respects, the Plaintiff's Motion is **DENIED**.

IT IS SO ORDERED.

Signed: February 25, 2013



Martin Reidinger
United States District Judge

